

CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH

Dated the Monday 24<sup>th</sup> day of December Two Thousand And Eighteen

PRESENT:  
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A. 310/1067/2018

N. Indira,  
W/o. N. Karunakaran,  
No.2/140, Kandigai Street,  
Ramanujapuram Village,  
Madhuramangalam Post,  
Pannur SO- 602 108.

....Applicant

(By Advocate: M/s. R. Malaichamy)

Versus

1. Union of India  
Rep. by the Secretary,  
Ministry of Communications & IT.,  
Department of Posts,  
Dak Bhavan, Sansad Marg,  
New Delhi- 110 001;
2. The Chief Postmaster General,  
Tamil Nadu Circle,  
Anna Salai,  
Chennai- 600 002;
3. The Postmaster General,  
Chennai City Region (TN),  
Chennai- 600 002;
4. The Superintendent of Post Offices,  
Kancheepuram Division,  
Kancheepuram- 631 501.

.....Respondents

(By Advocate: Mr. C. Ajith Kumar)

**ORAL ORDER**

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. Applicant has filed this O.A. seeking the following reliefs:-

- i) To call for the records of the 4<sup>th</sup> respondent pertaining to his order made in No. B2/Old Pension/Dlgs dated 09/11.07.2018 and set aside the same, consequent to;
- ii) direct the respondents to count the period of year of vacancy 2002 till the applicant was appointed as Post-woman, the service rendered in GDS cadre and thereby to bring the service of the applicant under old Pension Scheme, within the purview of CC(Pension) Rules 1972; and further;
- iii) direct the respondents to refund the amount of subscription being recovered from her pay and allowances towards new pension scheme."

2. Learned counsel for the applicant would submit that the applicant sought the aforesaid reliefs on two grounds; (i) that she was entitled to count the services rendered as GDS for the purpose of pension under the CCS (Pension) Rules 1972 in terms of the order of the Principal Bench of this Tribunal in O.A. No. 749/2015 and batch decided on 17.11.2016 and (ii) that she was appointed to regular government service against a pre-2004 vacancy and as the delay in filling up the vacancy was not attributable to the applicant, the respondents could not hold their own lapses in failing to make timely recruitment against the applicant and deny her the benefits that would have accrued to her under the CCS (Pension) Rules, but for such delay.

3. It is further submitted that the order of the Principal Bench cited above had been challenged before the Hon'ble Delhi High Court where the matter is still pending. This Tribunal had granted relief on the second ground in some cases which had also been upheld by the Hon'ble Madras High Court. However, SLP No. 16767/2016 has been filed before the Hon'ble Apex Court, and as such, the law on the

subject is expected to be laid down finally by the Hon'ble Supreme Court.

4. No reply has been filed by the respondents. Nor is the counsel for the respondents present. However, similar matters have been considered and disposed of by this Tribunal in the presence of the counsel for the official respondents and in the light of such submission. Accordingly, I deem it appropriate to dispose of this OA with a direction to the respondents to review the impugned order dated 09/11.07.2018 in the event of the law being finally decided in favour of persons similarly placed as the applicant in the aforesaid cases and pass appropriate orders within three months from such an event.

5. O.A. is disposed of. No costs.

(R. RAMANUJAM)  
MEMBER (A)

24.12.2018

Asvs.